



ORIGINAL
United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

July 22, 2021

Lyle W. Cayce
Clerk

No. 19-10011

STATE OF TEXAS; STATE OF ALABAMA; STATE OF ARIZONA;
STATE OF FLORIDA; STATE OF GEORGIA; STATE OF INDIANA;
STATE OF KANSAS; STATE OF LOUISIANA; STATE OF
MISSISSIPPI, *by and through Governor Phil Bryant*; STATE OF
MISSOURI; STATE OF NEBRASKA; STATE OF NORTH DAKOTA;
STATE OF SOUTH CAROLINA; STATE OF SOUTH DAKOTA; STATE
OF TENNESSEE; STATE OF UTAH; STATE OF WEST VIRGINIA;
STATE OF ARKANSAS; NEILL HURLEY; JOHN NANTZ,

Plaintiffs—Appellees,

versus

UNITED STATES OF AMERICA; UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES; ALEX AZAR, II, *Secretary, U.S.*
Department of Health and Human Services; UNITED STATES
DEPARTMENT OF INTERNAL REVENUE; CHARLES P. RETTIG, *in*
his Official Capacity as Commissioner of Internal Revenue,

Defendants—Appellants,

STATE OF CALIFORNIA; STATE OF CONNECTICUT; DISTRICT OF
COLUMBIA; STATE OF DELAWARE; STATE OF HAWAII; STATE OF
ILLINOIS; ANDY BESHEAR, *Governor, State of Kentucky*; STATE OF
MASSACHUSETTS; STATE OF NEW JERSEY; STATE OF NEW
YORK; STATE OF NORTH CAROLINA; STATE OF OREGON; STATE
OF RHODE ISLAND; STATE OF VERMONT; STATE OF VIRGINIA;
STATE OF WASHINGTON; STATE OF MINNESOTA,

Intervenor Defendants—Appellants.

No. 19-10011

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:18-CV-167 -O

ON REMAND FROM
THE SUPREME COURT OF THE UNITED STATES

Before KING, ELROD, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:

In an opinion issued on June 17, 2021, the Supreme Court of the United States vacated this court's judgment and remanded the case to us with instructions to dismiss. *California v. Texas*, 141 S. Ct. 2104, 2120 (2021). In accordance with that decision, we now VACATE the judgment of the district court in its entirety and REMAND the case to the district court with instructions to dismiss the case. The Clerk is directed to issue the mandate forthwith.



Certified as a true copy and issued
as the mandate on Jul 22, 2021

Attest:

Jyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

ORIGINAL

RECEIVED

JUL 22 2021

United States Court of Appeals

**FIFTH CIRCUIT
OFFICE OF THE CLERK**

**LYLE W. CAYCE
CLERK**

**CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130**

July 22, 2021

Ms. Karen S. Mitchell
Northern District of Texas, Fort Worth
United States District Court
501 W. 10th Street
Room 310
Fort Worth, TX 76102

No. 19-10011 State of Texas v. USA
USDC No. 4:18-CV-167-O

Dear Ms. Mitchell,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Whitney M. Jett, Deputy Clerk
504-310-7772

cc:

Ms. Munera Al-Fuhaid
Mr. Ryan Wolfe Allison
Ms. Ginger Anders
Mr. Peter J. Anthony
Mr. A. Xavier Baker
Mr. Benjamin Battles
Mr. Matthew Joseph Berns
Mr. Jack R. Bierig
Mr. Nathanael Blake
Mr. Kenneth Lee Blalack II
Ms. Kathleen Boergers
Mr. Wade Carr
Mr. Z.W. Julius Chen
Mr. Lawrence Crawford
Mr. Stuart F. Delery
Ms. Bridget DiBattista

Mr. Nicholas M. DiCarlo
Ms. Margaret Dotzel
Mr. John Allen Eidsmoe
Mr. Nimrod Elias
Mr. August E. Flentje
Mr. Benjamin Michael Flowers
Mr. Brian Rene Frazelle
Mr. Matthew Hamilton Frederick
Ms. Elaine Goldenberg
Ms. Brianne Jenna Gorod
Ms. Maame Gyamfi
Mr. David J. Hacker
Ms. Caitlin Joan Halligan
Mrs. Fadwa A. Hammoud
Mr. Brooks M. Hanner
Mr. Kyle Douglas Hawkins
Mr. Joshua L. Hedrick
Mr. Matthew S. Hellman
Mr. Robert E. Henneke
Ms. Hyland Hunt
Mr. Scott H. Ikeda
Mr. Paige Jennings
Ms. Michelle Shane Kallen
Mr. John T. Kitchens
Mr. Jeremy Kreisberg
Ms. Maria Rose Lenz
Mr. Douglas Neal Letter
Mr. Sean Michael Marotta
Ms. Catherine M. Masters
Mr. Steven Travis Mayo
Mr. Darren McCarty
Mr. Matthew Robert McGuire
Mr. Raffi Melkonian
Mr. Jonathan Meltzer
Ms. Rachel Miller-Ziegler
Mr. Robert Tadao Nakatsuji
Mr. Eric Olson
Mr. William Jeffrey Olson
Ms. Neli N. Palma
Mr. Joseph R. Palmore
Ms. Beth Bivans Petronio
Ms. Lanora Christine Pettit
Mr. Ashwin Pradyumna Phatak
Mr. Joseph Rubin
Mr. Richard Salgado
Ms. Jaime Santos
Mr. Andrew Layton Schlafly
Mr. William B. Schultz
Mr. Jay A. Sekulow
Mr. Pratik A. Shah
Ms. Kristin Ann Shapiro
Mr. Samuel Siegel
Ms. Benna Ruth Solomon
Ms. Marie Soueid
Mr. Jeffrey T. Sprung
Mrs. Heidi Parry Stern
Mr. Todd Barry Tatelman
Mr. Martin Vincent Totaro
Ms. Jessica Elaine Underwood

Ms. Lorraine Alofa Van Kirk
Ms. Caroline Van Zile
Mr. Donald B. Verrilli Jr.
Ms. Jessica Willey
Mr. Daniel W. Wolff
Ms. Elizabeth Wydra
Mr. David Meir Zions